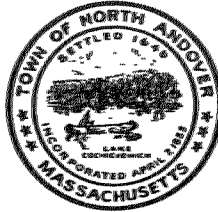


Town of North Andover  
ZONING BOARD OF APPEALS

Approved  
Aug 12,  
14

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*  
*Allan Cuscia*



Associate Member  
*Michael P. Liporto*  
*Deney Morganthal*  
*Doug Ludgin*  
Zoning Enforcement Officer  
*Gerald A. Brown*

**DRAFT MINUTES**

**Tuesday, July 22nd, 2014 at 7:30 PM**

**Town Hall 120 Main Street, North Andover, Massachusetts**

**Members present:** Ellen McIntyre, D. Paul Koch Jr, and Allan Cuscia  
**Associate Member:** Doug Ludgin, Michael Liporto, and Deney Morganthal  
**Also in attendance:** Zoning Enforcement Officer, Gerald Brown  
**Excused absence:** Albert P. Manzi III, and Rick Byers

**Pledge of Allegiance**

McIntyre called the regular meeting to order at 7:35

McIntyre is the Acting Chairperson tonight, since Manzi is not in attendance at tonight's meeting.

**Acceptance of Minutes June 24, 2014**

Koch made the motion to approve the Minutes

Cuscia second the motion.

Those voting in favor to approve the minutes were McIntyre, Koch, Cuscia, Ludgin, and Morganthal.

5-0

**Committee Reports**

**Merrimack Valley Planning Commission and Committee Housing Partnership**

McIntyre had nothing new to report with the Housing Partnership.

Since Byers is not in attendance at the Board of Appeals Meeting, there will not be a report on the MVPC.

McIntyre stated since we are waiting for one more member (Liporto) we will take care a few items on the agenda before we open up the new public hearing.

**Miscellaneous Correspondence**

McIntyre commented on the two letters submitted into the Board's packets.

The two letters that were submitted into the Board's Packets were both dated July 3<sup>rd</sup> 2014.

A letter submitted from CHAPA from Elizabeth Palma-Diaz, Program Manager, was regarding owner's intent to sell an affordable unit at 178 Cortland Drive Unit 34.

The last letter was from the JP Morgan Chase Bank National Associates. This letter was regarding a Notice of Intention to Foreclosure, at 4 Harvest Drive, Unit 209.

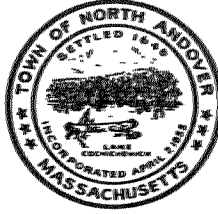
McIntyre asked if anyone had a question on the correspondences.

Liporto arrived, and Koch read the legal notice to open up the New Public Hearing.

McIntyre stated we will address the Special Permit first and then the Variance.

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**New Public Hearing**

**Special Permit and Variance, Zoning District R-2, Town of North Andover, 0 Chickering Road (Map 100 Parcel A)**

Andrew Maylor, Town Manager stating that the Town of North Andover would like to build a new Central Fire Station at 0 Chickering Road. This land is owned by the Town of North Andover. Maylor described to the Board where the land was located, and where the building would be situated on the property.

Maylor stated that they are requesting from the Board a Special Permit under Section 4.121 (10) of the Zoning Bylaw and as shown on Table 1 of the Zoning By Laws (Summary of Use Regulations) in the R2 Zoning District, also a Variance is needed from Table 2 for a side Setback (right) the proposed is 20.8 required is 30 (relief is 9.2).

Maylor commented on how the lot was divided and also stated that they are working with MassDot to add signalization on Chickering Road, approaching from the South. This signalization will allow fire apparatus to exit onto Chickering Road safely and without obstructions. He also spoke of how vehicles would enter onto the property of the proposed Central Fire Station.

Maylor also commented on the various materials that will be used for construction of the proposed fire station. Maylor went on to say that the newly proposed 14,500 square foot Central Fire Station will be two stories high. He also commented on the 26 parking spots (including handicap parking and visitors parking), as well as the administrative offices.

He also stated that the Fire Station was voted on at two different Town Meetings once in 2013 & also in 2014.

Maylor stated tonight in attendance, we have the architect for this project, Fred Dunham. Maylor also spoke of his education and the many projects Dunham has been involved with and accomplished during his career.

Maylor then spoke of those in attendance at tonight's meeting such as, Fire Chief Melnikas, along with 3 of the Selectmen, Bill Gordon, Donald Steward, and Tracey Watson as well as the Community Development Director, Curt Bellavance.

McIntyre asked the Board if they had any questions regarding the Special Permit.

Cuscia spoke up and complimented Maylor on doing a good job with the presentation.

Bob Adiconis, of 190 Prescott Street stated he is here tonight because his son was unable to attend tonight's ZBA meeting. Adiconis wanted to let the Board know at first they had reservations regarding this proposed Central Fire Station, but now they have no objections. Adiconis stated to the Board that after speaking with the Town Manager, Assistant Town Manager, and Planning Board, Adiconis felt that they were all very cooperative in resolving all the issue that they had addressed to them and now are satisfied. Adiconis complimented all those involved.

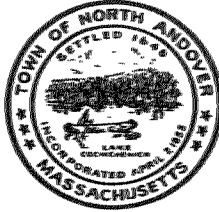
McIntyre responded to Adiconis that she was very happy to hear that.

McIntyre stated that we will address the Variance now.

Maylor spoke of the hardship and why they are requesting and in need of a Variance.

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Maylor commented to the Board of the high water table on the property, and how it would not allow a basement under the administrative portion of the building. The contemplated basement would have included the necessary mechanical rooms, the required record area as well as a spot to store equipment, etc. The alternative was to accommodate what they were losing for space with not having a basement. Maylor stated that originally they did not need a Variance, but because of this high water table on the property they had to move and expand the building, thus requiring a Variance. The Variance is on the Right side (the track side), and also the variance is closer to the Town Owned property.

Cuscia asked Maylor a question regarding the land, since the Town owns the property why is it that the Town did not deed enough area to allow for the appropriate amount of land, so a Variance would not be needed. Maylor responded to Cuscia stating that it was a good question and a fair question, but since they needed to come to the Zoning Board for a Special Permit they would request a Variance. If they allowed more land they would need to have to vote again and that would not take place for another year. Maylor stated that yes it could have been accomplished, but not without waiting and costing more.

McIntyre as well as Koch asked of the entrance at the building (the triangle) and the purpose of it, and could it be moved.

Fred Dunham responded why it is needed and then spoke of the various reasons, also mentioning if they moved the entrance over it would make the parking lot smaller and there would not be proper circulation for parking. Dunham also stated that it would be tight.

Maylor also commented on the entrance and stated that it is also for energy efficiency and also aesthetics.

Brown agreed with Maylor and elaborated on the entrance way and the importance of the energy efficiency of having the vestibule.

Koch spoke of sliding part of the building down, Dunham responded back stating that they might lose a training room and offices. He stated that this is pretty tight.

McIntyre asked if anyone had any questions, concerns, and also asked if anyone was here for or against the project.

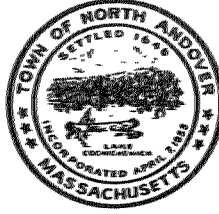
Tom Zahoruiko, of 78 Great Pond Road and also 700 Osgood Street (Zahoruiko stated it may possibly be his address one day). Zahoruiko stated he is in favor of this project, but stated that his only concern would be having an evergreen screening on the side of the property he owns, at 700 Osgood Street. Zahoruiko stated he discussed this with the Planning Board already and realizes that this is a Planning Board Issue. Zahoruiko stated that he would rather see a nice looking building such as this one go up that needs a Variance, just for the aesthetics purposes.

McIntyre asked the Board if anyone had any concerns or questions.

No one spoke up.

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Cuscia made a motion to close this public hearing  
Koch second the motion to close the hearing  
All in favor to close the hearing: McIntyre, Koch, Cuscia, Liporto and Morganthal  
5-0

Koch made a motion to Grant the Special Permit from Table 1, under Section 4.121 (10) of the Zoning Bylaw and as shown in the "Summary of Use Regulations" and also to Grant a Variance from Table 2 for a side Setback (right) the proposed is 20.8 required is 30 (relief is 9.2) also of the Zoning Bylaw, to build a new Central Fire Station at 0 Chickering Road (Map 100 Parcel A) in the R-2 Zoning District.  
Koch referenced all of the plans and maps in front of him, as well as all the associated dates and also those responsible for preparing these plans and drawings.  
Cuscia second the motion to Grant the Variance and Special Permit  
All in favor to Grant the Variance and Special Permit were: McIntyre, Koch, Cuscia, Liporto and Morganthal.  
5-0

**Adjournment: 8:05**

Koch made a motion to adjourn.  
Cuscia second the motion  
All were in favor to adjourn the meeting: McIntyre, Koch, Cuscia, Liporto, and Ludgin